

PATENT
 USSN 10/044,692
 TTC Docket 002640US
 Geron Docket 018/213c

REMARKS

This paper is supplemental to the Amendment filed November 10, 2005, which was responsive to the last Office Action on the merits, dated April 21, 2005, and to the amendment filed April 3, 2006.

Claims 1, 10-15, 19-33, 39-43, and 47-57 were previously pending in this application, with claims 11-15 withdrawn from examination. The claim amendments are refinements to the wording previously used. No claims have been added or cancelled since the last amendment.

Further consideration and allowance of the application is respectfully requested, in view of the amendments and remarks made on November 10 and April 3, and herein.

Interview summary:

The undersigned wishes to express his appreciation to Examiner Susan Ungar for a helpful and productive interview at the Patent Office on May 16, 2006.

Possible adjustments to claim wording were discussed.

Also discussed were the patentability of the claims pending in this application in view of previously issued patents related to hTERT in this and related application series: especially U.S. Patent Nos. 6,261,836; 6,475,789; 6,444,650; 6,337,200; 6,927,285; and 6,921,664. Subject to further review, it was agreed that the polynucleotides claimed here are not obvious under the doctrine of obviousness-type double patenting with respect to antisense polynucleotides in the 6,444,650 patent. Subject to further review, it was also agreed that embodiments of the polynucleotides claimed here that are devoid of telomerase catalytic activity (e.g., claim 43) are not obvious under the doctrine of obviousness-type double patenting with respect to polynucleotides encoding catalytically active telomerase, as claimed in Patent Nos. 6,261,836; 6,475,789; 6,337,200; 6,927,285; and 6,921,664.

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Amendments

The amendments made to claims herein represent a refinement of wording of the claims as previously presented. They are based on what was discussed in the interview.

To facilitate further examination, claim 57 had been amended so as to mirror the wording in alternative (b) of claim 1. The revised wording is supported by claims 1 and 28 as previously presented.

Request for Rejoinder:

Claims 11-15 are method claims that depend from and incorporate the limitations of product claims in the group under examination. Applicants hereby request that these claims be rejoined, upon determination that the product claims are patentable, in accordance with MPEP § 821.04. The other claims previously withdrawn from examination have been cancelled.

Request for Interview

Applicants respectfully submit that the amended claims comply with all the patentability requirements of Section 35 of the U.S. Code. Withdrawal of all rejections made under 35 USC § 112 is respectfully requested.

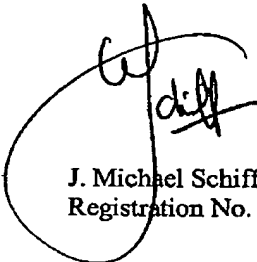
In the event that the Examiner determines that there are other matters to be addressed, the undersigned hereby requests a further interview by telephone.

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Fees Due

No fee is believed payable with respect to the entry and consideration of these amendments and remarks. Nevertheless, should the Patent Office determine that an extension of time or any other relief is required for further consideration of this application, applicants hereby petition for such relief, and authorize the Commissioner to charge the cost of such petitions and other fees due in connection with the filing of these papers to Deposit Account No. 07-1139, referencing the docket numbers indicated above.

Respectfully submitted,


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Facsimile Transmittal Sheet

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